

Title	The Supreme Leader' s Legitimacy Crises and Candidate Screening in Iran' s Post-Khomeini Parliamentary Elections
Author(s)	Chisaka, Tomoyo
Citation	国際公共政策研究. 25(1) p.63-p.77
Issue Date	2020-09
oaire:version	VoR
URL	https://doi.org/10.18910/77126
rights	
Note	

Osaka University Knowledge Archive : OUKA

<https://ir.library.osaka-u.ac.jp/>

Osaka University

The Supreme Leader's Legitimacy Crises and Candidate Screening in Iran's Post-Khomeini Parliamentary Elections*

Tomoyo CHISAKA**

Refereed Article

Received: 6 April 2020, Accepted: 18 June 2020

Abstract

It is widely known that Iran's Guardian Council, whose members are mostly appointed by the Supreme Leader, has disqualified reformist candidates to prevent them from entering into Parliament. However, few studies analyzed the timing when reformists were likely to be disqualified and whether the target of disqualification has been consistent over the years. Examining screening practices by the Guardian Council in parliamentary elections, this paper found that the targets of disqualification has gradually increased in the post-Khomeini period. It also found that the expansion of targets is closely associated with critical events or popular protests that challenge the Supreme Leader's legitimacy. These findings have two theoretical implications. First, although these findings are in line with "informational effect of electoral control" suggested by the previous research as candidate screening can signal leadership's power of holding state institutions to discourage opposition supporters and to retain regime supporters, this paper clarifies the timing when the leadership is much more likely to rely on the informational effect. Second, Iran's candidate screening represents a rare case to analyze how the leadership performs under the condition in which excluding candidates is legalized, but criterion for judging credentials are rather vague and the leadership can flexibly change targets of disqualification.

Keywords : Candidate screening, electoral politics, legitimacy, Iran

* This research is financially supported by the Japan Society for the Promotion of Science (JSPS) and my fieldwork in Iran was funded by the JSPS Oversea Challenge Program for Young Scholars. I would like to thank my supervisor Professor Akihisa Matusno for giving useful comments to write this paper. I am grateful to Dr. Mohammad Takhshid, Dean of the Department of Law and Political Science at the University of Tehran, for supporting my research activities in Iran at all levels. All errors are my own.

** Ph.D. student, Osaka School of International Public Policy (OSIPP), Osaka University. t-chisaka@osipp.osaka-u.ac.jp

1. Introduction¹

Iran has held parliamentary elections every four years since the 1979 revolution. A growing body of research has noted that candidates in Iran's parliamentary elections are screened in that those who seek political reform (*reformists*) tend to be eliminated before elections by the Guardian Council, whose members are appointed by the Supreme Leader (Bakhtiari 1993; Sarabi 1994; Boroumand and Boroumand 2000; Samii 2001). Sarabi argues that "the most controversial barriers are the requirement that candidates demonstrate a practical commitment to Islam and to the Islamic government and the constitutional power of the Guardian Council to supervise elections" (Sarabi 1994, 95).

The question addressed in this paper concerns the extent to which the patterns of candidate screening have been consistent. Since existing research has been limited to case studies of each parliamentary election, little is known about the timing when reformists were likely to be disqualified and whether candidates have received the same results of screening from the 1979 Iranian revolution to the present. This paper utilizes local newspapers published during the last nine parliamentary elections from 1984 to 2016,² which includes *Keyhān*, *E'ttelā'āt*, and *Jomhūrī-ye Eslāmī*. These newspapers were collected at the Central Library of the University of Tehran and Iran's National Library by the author during one year of fieldwork in Iran (February 2019 - February 2020). A long-term analysis of candidate screening allows one to observe differences in patterns of candidate screening by the Guardian Council.

This analysis found that, while it is true that reformists have been targeted in all parliamentary elections, the degree to which reformists were disqualified was not always same. Rather, those who were targeted at screening have gradually increased in the post-Khomeini period. In some cases, incumbent parliamentarians who were once allowed were later disqualified. Why did the Guardian Council vet candidates whose credentials were accepted in the past? This paper argues that such an expansion of targets is likely to occur after events that decrease the legitimacy of the Supreme Leader. Several critical events that may undermine the Supreme Leader's popular legitimacy have emerged after the death of the first Supreme Leader Ruhollah Khomeini in June 1989. The interaction between the Supreme Leader's legitimacy crises and the increase in disqualification was not a single event that happened in the debates over the succession in 1989, but rather it has been a repeated process.

The logic of interaction between crises of the Supreme Leader's legitimacy and expansion of the list of disqualified candidates owes to "the informational role of electoral manipulation" suggested by the previous study. Simpser argues that "electoral manipulation can yield more than simply winning the election at hand" (Simpser 2013, 3). Electoral manipulation is "intended to discourage opposition supporters and to convince bureaucrats to remain loyal to the government" (Ibid). Candidate screening in Iran also expects not only to remove reformists but also to signal the leadership's authority of holding state institutions, its uncompromising attitude to opposition supporters, and its commitment to supporters of the regime.³ The case studies of this paper demonstrate that the

¹ This paper adopted a simplified version of the transliteration system adopted by the *Iranian Studies* journal, with the exception of diacritics. For the dates, this paper used the Western-calendar dates in the main texts. However, this paper added Persian solar calendar dates and Western calendar dates in brackets in the footnotes.

² While the Guardian Council has been constitutionalized since 1979, the appointment of the members of this council was not completed in 1980, so the Ministry of Interior supervised the election in 1980. For these reasons, this paper examines the results of candidate screening from 1984.

³ Ruling clerics usually criticize those who join in anti-regime protests as allies of enemies (mainly America and Israel) that try to undermine the unity among Iranian people (See for example Khamenei's Friday prayer speech after the 2009 post-electoral protest. *Khamenei.ir*, <http://farsi.khamenei.ir/speech-content?id=7190> accessed June 10, 2020). Thus, disqualifying those who were involved in protests due to lack of loyalty to the regime (Clause 4, Article 30, Parliamentary Election Law) signals that ruling clerics practice discourse of punishing anti-regime actors on the ground.

Guardian Council targeted at candidates who had been involved in popular protests.

This paper contributes to the literature in three ways. First, it presents a fresh perspective on the pattern of candidate screening in Iran's parliamentary elections. While previous literature has correctly reported that reformists are the targets of the Guardian Council's screening efforts, they have paid little attention to the fact that the degree to which reformists were screened varies from election to election. Significantly, even those who were approved in the past were later disqualified. Second, this paper provides a new insight into the existing theory of the informational effect of electoral manipulation. Although Simpson (2013) did not consider the case when the same ruler changes the degree of manipulation from election to election, Iran's case of candidate screening helps one to know the timing when leadership is much more likely to exercise the legal authority of excluding candidates. Specifically, the findings provide that, when the Supreme Leader's legitimacy declines among the public, the leadership tends to exhibit a non-compromising attitude in election processes to signal that it still holds the power to control state institutions. Third, a contribution of this paper is beyond Iranian studies; it can expand to the literature on candidate screening under competitive authoritarian regimes.⁴ Screening candidates before elections has been discussed as one of the common means to exclude a particular group from elections under authoritarian regimes (Schedler 2013, 88-89). Iran represents a rare case to analyze how rulers perform under conditions in which leadership can "legally" remove opponents from electoral competitions but the criterion for candidates are rather vague like loyalty to the regime.

This paper is organized in the following manner. First, this paper reviews the existing studies of candidate screening in competitive authoritarian regimes as well as those in Iran. Second, it describes the institutional background of candidate screening in Iran's parliamentary elections. Third, it examines the interaction between legitimacy crises of the Supreme Leader and the gradual expansion of the scope of targets for disqualification by the Guardian Council using case studies of the candidate screening in the 1992, 2004, and 2012 parliamentary elections. Finally, this paper summarizes the findings of this paper and suggests implications for future investigations.

2. Literature review

Authoritarian rulers always restrict electoral competitions by keeping out their opponents (Schedler 2013, 88). In Indonesia, Suharto personally selected his candidates for parliament and vetted the candidates of opposition parties, which led to Suharto's appointment to the presidency and reappointment, "usually by acclamation" (Case 2006, 100). Unlike this personal means of excluding candidates, autocrats often "hand-tailor legal instruments that permit them to exclude specific opponents" (Schedler 2013, 88). Alassane Ouattara in Côte d'Ivoire, Kenneth Kaunda in Zambia, and Richard Leakey in Kenya introduced the election laws that required candidates to be a native-born, and disqualified their rivals (Monga 1997, 159). Iran's clerical leadership also imposed "ideological constraints" on candidates (Boroumand and Boroumand 2000, 119). However, the method of screening candidates in Iran differs from those in countries where personal or clear-cut measurements like a nationality barrier are exercised. While it is true that the Supreme Leader's intension can be reflected due to his authority to appoint

⁴ In competitive authoritarian regimes, elections are competitive in that major opposition candidates are rarely excluded, opposition parties are able to campaign publically, and there is no massive electoral fraud. However, elections are often unfree and almost always unfair (Levitsky and Way 2010, 8). Although Iran is excluded from Levitsky and Way (2010)'s definition of competitive authoritarian regimes "as the most important executive office (the Supreme Leader) is not elected" (2010, 32), this paper argues that Iran can compare with other competitive authoritarian regimes because after screening candidates, in some cases accepting candidates from various political factions, the regime rarely manipulates campaigns and outcomes.

members of the Guardian Council, candidates are “legally” excluded from electoral competitions. Moreover, some of the main measures to examine credentials contain vague concepts such as commitment to Islam and loyalty to the Islamic Republic and to “the Guardianship of the Jurisprudence (*Velāyat-e Faqīh*)”.⁵ These laws allow the Guardian Council to change or expand the target of disqualification to deal with problems of the Supreme Leader’s legitimacy. By examining the Iranian case, this paper discovers a factor that determines the degree to which the leadership exercises candidate screening.

Scholars of Iranian studies have highlighted the Supreme Leader’s efforts to seek popular sovereignty via elections. Elections are recognized as “institutional means to ensure that the regime was perceived to be based on popular consent and appeals to the people” (Tezcur 2008, 55). There are ostensibly “popular” aspects of Iran’s election laws. The laws give universal suffrage to Iranian nationals over the age of 18.⁶ 290 deputies are elected from a mix of single and multi-member constituencies.⁷ Representatives are elected based on the two-round voting system for four years with no term limitations. Candidates who can secure at least one-fourth of the votes cast in the first round are elected to Parliament. If, in the first round of elections, one or more candidates fail to receive one-fourth of the votes cast, the second round of voting is held (Alem 2011, 14).

Iran’s parliamentary elections, however, contain theocratic aspects in that all election processes are supervised by the Guardian Council. The members of the council consist of the six clergies appointed by the Supreme Leader, and the six jurists selected by Parliament from a list nominated by the head of the judiciary (who is also appointed by the Supreme Leader). This election supervising system originates from the constitution written by those who supported political rule by high-ranking clerics (Boroumand and Boroumand 2000, 116). Article 5 of the constitution states that “During the absence of the Glorious Lord of the Age [the missing 12th imam of the Shi’ite sect], may God grant him relief, he will be represented in the Islamic Republic of Iran as a religious leader and imam of the people by an honest, virtuous, well-informed, courageous, efficient administrator and religious jurist, enjoying the confidence of the majority of the people as a leader.” Furthermore, Article 56 of the constitution states that “The absolute ruler of the world and humanity is God and He alone has determined the social destiny of Human.”⁸ The Guardian Council’s role in supervising elections is spelled out in Article 99 of the Constitution: “The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly (parliament), and the direct recourse to popular opinion and referenda” (Samii 2001, 645).

Studies on how to implement this legal setting of candidate screening have been analyzed in a case study. Bakhtiari (1993) notes that the parliamentary election of 1992 as a result of factional politics because the ruling faction of Ali-Akbar Hashemi Rafsanjani manipulated parliamentary-election laws “as a method of controlling, discrediting, and eliminating rival factions” (Bakhtiari 1993, 375). Rafsanjani’s faction at that time was called the Islamic Right and the opposition was called the Islamic Left, but later they came to be called conservatives or “principlists” and reformists, respectively. Sanandaji (2009) highlights the ruling faction’s effect upon candidate screening based on the case study of the 2008 parliamentary election, held during the conservative Mahmoud

⁵ *Velāyat-e Faqīh* is the idea of governance introduced by Khomeini. Khomeini preached that, while the last Imam is hidden, a source of emulation in the Shi’ite Muslim community has to supervise the government.

⁶ The first minimum age for voting was 16 according to the 1979 election law; however, it became 15 in 1984. In 1999, it again became 16 but changed back to 15 in 2000. In 2007, the minimum age was set to 18.

⁷ In 1999, the number of parliamentary seats was increased from 270 to 290. The number of seats depends on the size of the population. Tehran is the largest constituency with 30 seats, followed by Tabriz with 6, Esfahan and Mashhad with 5, Shiraz 4, Orumiyeh, Ardabil, Ahvaz, Abadan, Kermanshah, Rasht, Bandar-e Abbas with 3, 21 cities with 2, and others 1. 5 seats are allocated for religious minorities.

⁸ See Ramazani (1990) for the English translation of the constitution of Iran’s Islamic Republic (1979 edition).

Ahmadinejad's presidency (August 2005-July 2013). Sanandaji argues that "the mass disqualifications in 2008 illustrated the conservatives' resolve to effectively prevent reformists from participating" (Sanandaji 2009,629). Overall, previous studies focus largely on factional politics and are limited to case studies.

The main limitation of existing literature is that few studies have conducted to analyze long-term patterns of candidate screening. Although Tezcur found that the degree to which candidates are disqualified varies from election to election (Tezcur 2008, 58), little work has been done to examine the details of disqualified candidates; as a result, the causes of fluctuation in candidate screening remained unclear. In contrast, this paper does not emphasize the number of disqualified candidates, but rather it qualitatively analyzes who were disqualified for what reasons by the Guardian Council. As a preliminary attempt to analyze changes of targets of vetting activity, this paper considered if those who were accepted in the past elections can be targets of disqualification. Figure 1 illustrates that incumbent candidates who sought reelection and were qualified by the Guardian Council. Here, one can find an important feature that some incumbent candidates—those who were once approved—were disqualified, which means that the Guardian Council changed its targets. Previous studies, which have been conducted within a narrow case study, cannot account for this variation in candidate screening by the Guardian Council. This paper develops an argument to explain this fluctuation by posing the significant question of why even those who were approved in past elections and who served as parliamentarians became targets for disqualification later on, by examining the relationship between legitimacy crises of the Supreme Leader and the expansion of disqualified targets.



(Note) Some are approximate numbers due to the lack of official data, but the important point is that even incumbents—who were qualified once—were disqualified.

(Source) 1988 Jahan-Mohammadi 1389, 2; 1992 *Keyhān*, Farvardin 15, 1371 [April 4, 1992]; 1996 *Salām*, Bahman 17, 1374 [February 6, 1996], Sajādipūr 1388, 65; 2000 *Āzādegān*, Azar 27, 1378 [December 18, 1999]; 2004 *E'temād*, Dey 22, 1382 [January 12, 2004] 1382; 2008 *Hayāt-e Nou*, Bahman 18, 1386 [February 7, 2008]; *Asriān*, Esfand 2, 1390 [February 21, 2012] <https://www.asriran.com/fa/news/202290/> (accessed March 5, 2019); 2016 *Tābnāk*, Dey 27, 1394 [January 17, 2016] <https://www.tabnak.ir/fa/news/561378/> (accessed June 8, 2020).

Figure 1. Screening incumbent parliamentarians

3. Institutional Background

This section begins with introducing the institutional structure of parliamentary election processes in Iran. Figure 1 of the Appendix demonstrates that the power to supervise election processes is shared between the Supreme Leader and the President, although it is not shared equally. Solid lines and boxes with outlier lines indicate the screening processes under the Presidency and dotted lines and gray shaded boxes indicate screening processes under the supervision of the Supreme Leader. The Supreme Leader's institutions include the Guardian Council, the Central Supervising Committee (*Hei'at-e Nezārat-e Markazī*), and the branches of the Supervising Committee in each electoral district. The Central Supervising Committee is chaired by a selected member of the Guardian Council.⁹ On the other hand, the main election-supervision organization under the Presidency is called the Executive Committee (*Hei'at-e Ejra'ī*), which is composed of a Governor (*Farmandār*) who is appointed by the Minister of the Interior, and 30 local people who strongly support the regime. While Executive Committee under the Presidency involves screening processes from registration to judgment of the first results, the Supervising Committee under the Supreme Leader has the extraordinary power to reexamine the first results of the Executive Committee. In particular, the Central Supervising Committee can reverse decisions made by the Executive Committee; that is, the Supreme Leader's electoral supervising organizations sometimes accept those who were rejected by the President's ones, but also often reject those who were accepted.

The following case study clarifies the domestic political background behind the expansion of targets of disqualified candidates in 1992, 2004, and 2012, as depicted in Figure 1. This paper especially focuses on the Supreme Leader's religious and popular legitimacy crises in the post-Khomeini era because most scholars of Iranian studies shared this perspective (Roy 1999, 201; Sarabi 1994, 90; Chehabi 2001, 51).¹⁰ The findings of this paper provide an original argument that the second Supreme Leader Khamenei not only faced a religious legitimacy crisis in 1989, but his authority as a ruler had also been challenged by the public. These legitimacy issues of the Supreme Leader strongly affected candidate screening practices in parliamentary elections of 1992, 2004, and 2012.

Of note, some may think that changes in the members of the Guardian Council affect the screening practice. However, this is not the case because most members, especially powerful clergy members, were consistent. Ahmad Jannati, a Secretary of the Guardian Council, has been in this council from the first term to the present. Mohammad Yazdi, a former Chief of Judiciary (1989–1999), has worked as a member of the Guardian Council from 1999 to present. Furthermore, the Supreme Leader has appointed clerics only from members of one political party: the Society of Teacher's Seminary of Qom (*Jāme'eh-ye Modarresīn-e Houze-ye Erumī-ye Qom*). Therefore, the change of members of the Guardian Council is unlikely to affect screening practices.

4. Case study: The Supreme Leader's legitimacy crises and the increase in disqualification

4.1. The 1989 succession issue and the 1992 disqualification

The central argument of this paper is that the Supreme Leader's legitimacy crises have affected the expansion

⁹ For example, the members of the Central Supervising Committee for the parliamentary election in 2020 consisted of Ahmad Jannati (cleric), Sadeqi Moqadem (cleric), Siamak Rahpeik (jurist), and 'Abbas-Ali Kadkhodai (jurist) from the Guardian Council and Mohseni Ejehi, first vice chief of the Judiciary. *Tasnim*, Mordad 9, 1398 [July 31, 2019] <https://www.tasnimnews.com/fa/news/1398/05/09/2066346/> (accessed June 6, 2020)

¹⁰ See the second paragraph of section 4 of this paper for the religious legitimacy crisis of the Supreme Leader.

of candidate disqualification. This argument explains patterns of candidate screening in post-Khomeini Iran. This section begins with the controversial succession from Khomeini to Khamenei. On June 3, 1989, the death of the first Supreme Leader Khomeini was announced, and less than 24 hours later 83 members of the Assembly of Experts (*Majles-e Khobregān-e Rahbarī*)¹¹ began debating the issue of post-Khomeini leadership. In the end, the assembly voted for Khamenei, with 64 in favor and 16 against (Bakhtiari 1996, 176).

Many scholars have pointed out that Khomeini's death is one of the crucial turning points of Iranian politics. Roy argued that in the governance of Guardianship of Islamic Jurisprudence, "the leader (*faqīh*) should be both one of the highest religious authorities and the political leader, who understands his time (*agāh be zamān*) and therefore could lead a mass movement" (Roy 1999, 201). Roy added that "while this ideal governance was applied to the Khomeini's leadership, it was no longer achieved after his death. Khomeini's successor, Ali Khamenei, was not a leading religious authority" (Ibid, 202). Because Khamenei did not hold the Shi'a Muslim's highest rank of "source of emulation (*marja'-e taqlīd*)", the Assembly of Experts, an election committee of the Supreme Leader, promoted Khamenei to the highest rank. After that, supporters of Khamenei amended the constitution so as not to emphasize the religious accomplishment of the leader. In the 1989 revised constitution, the leader was no longer required to be a source of emulation—the highest rank of Shi'ite cleric (Sarabi 1994, 90). Popular consent (enjoying the confidence of the majority of the people as a leader in Article 107) was also removed from the credential of the Supreme Leader.

Khamenei's secession was opposed mainly by followers of Hossein-Ali Montazeri. Montazeri was chosen in 1985 by the Assembly of Experts to succeed Khomeini after his death. On March 28, 1989, however, he resigned from the position of successor due to swelling conflict with Khomeini especially over the method of punishment of political prisoners. In February 1989, Montazeri expressed that: "revolutionary rhetoric isolated us from the world. People in the world think that we are only doing murder. We must release political prisoners immediately and the military force should work for reconstruction after the Iran-Iraq War (1980-1988), not for arresting political prisoners" (Akhavi 2008, 651). Because the judiciary in Iran's Islamic Republic was subordinate to the Supreme Leader, Montazeri's disagreement with the way political prisoners are punished entailed his disloyalty to Khomeini. Shortly after Montazeri's withdrawal, riots provoked in his hometown Najafabad, and Montazeri was put under the house arrest.¹²

Furthermore, Khamenei's succession was followed by promotion of the reinterpretation of the meaning of "electoral supervision (*nezārat bar entekhābāt*)" by the Guardian Council. On June 15, 1991, the Guardian Council announced a new interpretation of Article 99 of the constitution called "approbatory supervision" (*nezārat-e estesbāvi*). As a result, unlike in the 1980s, when the Guardian Council's role was mainly limited to post-election examination of accusations of fraud, the oversight body was now empowered with the pre-election disqualification of any candidate (Randjbar-Daemi 2018, 87-88). The approbatory supervision is criticized mostly from those who belonged to the Islamic Left political party, the Association of Combatant Clerics (*Majma'-e Rouhāniyān-e Mobārez*, MRM).

The close relationship between Montazeri and the membership of the MRM, which opposed approbatory supervision, became the benchmark for disqualification. Morteza Alviri, a deputy from Tehran who visited

¹¹ The Assembly of Experts consists of 88 clerics, elected every four years by the same electorate as presidential and parliamentary elections, and its function is to select the Supreme Leader (Article 107 of the Constitution) and to supervise and dismiss the leader (Article 111 of the Constitution).

¹² The size of the riot is not recorded, but it was a critical enough to make the regime dispatch 5,000 revolutionary guard corps to repress riots. *Associated Press*, "Opposition Claims Arrests of Montazeri Family Members," April 13, 1989.

Montazeri in Qom, stated that “80 to 100 parliamentary deputies [in the third parliament] followed the esteemed source of emulation of Montazeri independently of any political line” (Sarabi 1994, 92). This statement implies that Alviri and his colleagues in Parliament did not agree with instituting Khamenei as the leader, but rather supported Montazeri, his strongest rival. In terms of opponents of approbatory supervision, Asadoallh Bayat, a deputy speaker of the third Parliament, stated that “approbatory supervision is different from the legal interpretation of Imam Khomeini. There is no religious reason to accept the approbatory supervision by the Guardian Council” (Fattāhī Zafarqandī 1398, 312). In other words, those who opposed approbatory supervision justified their criticism by suggesting that it is against Khomeini’s will, implying that they cast doubt against Khamenei as a leader.

These succession issues led to an increase in the targets of disqualification in the fourth parliamentary election in 1992. Alviri, who disclosed his loyalty only to Montazeri, was disqualified. Bayat, who opposed approbatory supervision, was also rejected. Moreover, Ebrahim Asgharzadeh, a deputy from Tehran, was disqualified. Asgharzadeh actively joined the anti-Shah protests and was arrested in 1956. After the revolution, he served in the Construction Jihad (*Jihād-e Sāzandegī*), which is an important institution for alleviating poverty and developing the suburbs. He was also one of the leaders of the Muslim Students (*Dāneshjūyān-e Mosalmān*), which attacked the American embassy in Tehran in November 1979. Asgharzadeh became a commander of Iran’s Revolutionary Guard Corps in Qazvin province,¹³ and in 1988, he was elected as a deputy in Tehran from the MRM’s roster. Despite his background in revolutionary and anti-American movements, Asgharzadeh’s reelection was prevented by the Guardian Council. Although the official reason for his disqualification was not announced, his affiliation with the MRM was a most possible factor.

Other political groups opposed to approbatory supervision were also targeted for disqualification. Like the MRM, the Mojahedin of the Islamic Revolution Organization (*Sāzemān-e Mojāhedīn-e Enqerāb-e Eslāmī*, MIRO) was famous for the Islamic Left. The MIRO’s official newspaper *‘Asr-e mā* wrote: “Our members were disqualified because we were simply against approbatory supervision; and so, we were considered to be against the constitution, which is one of the conditions for which candidates are ineligible (Clause 1, Article 28, Parliamentary election law).”¹⁴ The head of the MIRO Behzad Nabavi stated that “We have deeply believed in the Guardianship of Islamic Jurisprudence since the begging of the revolution, but now, loyalty to this concept is meaningless.”¹⁵ Criticizing the Guardian Council for abusing the laws, the MIRO boycotted the 1992 parliamentary election, and the MRM did not nominate any official candidates in Tehran.

In sum, the case of the 1989 succession debate and the 1992 parliamentary election demonstrates that the decline in the Supreme Leader’s legitimacy increased the necessity of disqualifying members of the Islamic Left or supporters of Montazeri, although they were qualified in the reign of Khomeini.

4.2. The 1997 presidential election and its impact on disqualification of the “Dovvom-e Khordad”

The second event that destabilized the Supreme Leader’s popularity among the public was the 1997 presidential election. This is the first presidential election in which a candidate who was supported by the Supreme Leader was defeated. A speaker of the fourth and fifth parliament and the Minister of the Interior (1981-1985) during

¹³ *Eftelā’āt*, “Barādar-e Ebrāhīm Asgharzādeh,” Farvardin 23, 1363 [April 12, 1984].

¹⁴ *‘Asr-e mā*, “Nezārat-e estesbāvi melāk-e pazīrosh-e qānūn-e asāsi?” Bahman 4, 1374 [January 24, 1996].

¹⁵ *Salām*, “Tā konūn dar koll-e keshvar sarāhiyat-e 58 nafar az afrād-e jenāh-e chap rad shod-e ast,” Esfand 7, 1374 [February 26, 1996].

Khamenei's presidency Ali-Akbar Nateq-Nuri was a favored candidate by the Supreme Leader. He was nominated by a ruling party, the Society of the Combatant Clergy (*Jāme'eh-ye Rouhāniyāt-e Mobārez*, JRM), to which the Supreme Leader Khamenei himself belonged, and was supported by the incumbent president Rafsanjani (1989-1997). Despite such a strong affiliation with the Supreme Leader, Nateq-Nuri failed to cultivate enough votes. In contrast, his rival candidate Mohammad Khatami was a former Minister of Islamic Guidance (1982-1992) and one of the founding members of the MRM. During the election campaign, Khatami promised to promote freedom of speech and emphasized the concept of civil society, which attracted those who were disappointed at policies led by the Islamic Right, and was especially popular among younger generations who did not remember the 1979 revolution.

The electoral defeat of Nateq-Nuri in 1997 was accepted by the Supreme Leader and his followers, but the Guardian Council started to disqualify those who supported Khatami's victory — members of a reformist coalition "The Second of Khordad Movement (*Jabhe-ye Dovvom-e Khordād*, Dovvom-e Khordad)," which was named after the election date of the 1997 presidential election. The Dovvom-e Khordad consists of a variety of Islamic Left and reformist political parties and groups such as the MRM, the Iran Islamic Participation Front (*Jabhe-ye Moshārekāt-e Īrān-e Eslāmī*, IIPF), MIRO, and the Solidarity Party (*Hezb-e Hambastegī*). In the 2000 parliamentary election, the credentials of Mohammad-Ali Gandomi, a representative of the political committee of the Dovvom-e Khordad in Mashhad, were first accepted by the Executive Committee but ultimately disqualified by the Supervising Committee because of his disloyalty to the Constitution and the Guardianship of the Jurisprudence (Clause 3, Article 28).¹⁶ A director general of the Solidarity Party Mohammad-Reza Rahchamni reported that three executive members of his party Ja'far Golbaz (Savojbolagh), Musavi Ejaq (Kermanshah), Kurush Fouladi (Khorram-Abad), and four other members, who are all incumbent deputies in the fifth parliament, were rejected.¹⁷

Although some members of the Dovvom-e Khordad were exceptionally accepted in 2000,¹⁸ their reelection was prevented by the Guardian Council. In the seventh parliamentary election of 2004, 165 incumbents registered but 85 of them were disqualified. They were all affiliated with one of the political parties that were consisted of the Dovvom-e Khordad. Table 1 illustrates the name of disqualified deputies from Tehran and "legal" reasons for disqualification. There is an evidence to show that this mass disqualification of members of the Dovvom-e Khordad is related to the conflict between them and un-elected ruling clerics in the regime. Reformist deputies tried to remove biased sources of information about registered candidates, assuming that the Guardian Council collects information from any institutions, most of which are affiliated with the Supreme Leader or conservative factions. Thus, the sixth parliament ratified a draft law to limit the institution where the Guardian Council can get information about registered candidates to four institutions written in the election law (Appendix Figure1). However, the Guardian Council used its veto on this law and the sixth parliament failed to amend the election laws.

¹⁶ *Bayān*, "Dar moured-e rad-e salāhiyat shodeh-hā qānūn rā ejrā konīd," Dey 25, 1378 [January 15, 2000]

¹⁷ *Ibid.*

¹⁸ The concluding section briefly considers why some reformist candidates were accepted in the 2000 parliamentary election.

Table 1: Disqualified incumbent candidates in Tehran (2004)

Names	Political party	Reasons for rejection
Elaheh Kulai	IIPF	Clause 1,3, Article 28; Clause 3,4, Article 30
Elias Hazrati	Solidarity Party	Clause 1,3, Article 28
Behzad Nabavi	MIRO	Clause 1,3, Article 28; Clause 3, Article 30
Davood Soleimani	IIPF	Clause 1,3, Article 28; Clause 3, Article 30
Ali-Akbar Mousavi Khoiniha	MRM	Clause 1,3, Article 28; Clause 3, Article 30
Mohammad Reza Khatami	IIPF	Clause 1,3, Article 28; Clause 3, Article 30
Ali Shakorirad	IIPF	Clause 1,3, Article 28; Clause 3, Article 30
Fatemeh Haqiqatjo	IIPF	Clause 1,3, Article 28; Clause 3,4, Article 30
Mohsen Armin	MIRO	Clause 1,3, Article 28
Mohsen Safai-Farahani	IIPF	Clause 1,3, Article 28
Mohsen Mirdamadi	IIPF	Clause 1,3, Article 28; Clause 4, Article 30
Mohammad Naimipur	IIPF	Clause 1,3, Article 28; Clause 3, Article 30

(Note) Clause 1, Article 28: Candidates must believe in and have a practical obligation to Islam and the regime of the Islamic Republic of Iran; Clause 3, Article 28: Candidates must have expressed loyalty to the Constitution and the guardianship of jurisprudence; Clause 3, Article 30: Those who are affiliated with illegal organizations, political parties, or group cannot be candidates; Clause 4, Article 30: Those who have been convicted of efforts against the Islamic Republic of Iran cannot be candidates.

(Source) *Entekhābāt*, Bahman 5, 1382 [January 25, 2004].

In summary, the defeat of the Supreme Leader's favored candidate in the 1997 presidential election was a grave problem that publicized Khamenei's decline in perceived legitimacy among the majority of citizens. The Guardian Council employed a hardline approach for candidate screening to show an uncompromising attitude and to discourage rebellion among the opposition. Thus, the mass disqualification of reformists in 2004 was a consequence of the declining legitimacy of the Supreme Leader.

4.3. The 2009 post-electoral protests and the 2012 disqualification

The third serious legitimacy crisis for the Supreme Leader came during the post-electoral protests in 2009, which marked the largest popular demonstrations since the 1979 revolution. On June 12, 2009, state media announced a landslide reelection victory for Mahmoud Ahmadinejad only hours after the polls closed. However, losing candidates Mir-Hosein Mousavi, the last Prime Minister (1981-1989), and Mehdi Karrubi,¹⁹ the head of the National Trust Party (*Hezb-e E'temād-e Mellī*), did not accept the result, asserting that the Guardian Council rigged the vote count and that Mousavi was the true winner.²⁰ In sympathy with the losing candidates, thousands of Iranians took to the street to stage mass protests, chanting "Where is my vote?"²¹ In addition to Mousavi and Karrubi, the former Minister of Interior Ali-Akbar Mohtashamipur, one of the executive members of the MRM, wrote letters to Ahmad Jannati, a Secretary of the Guardian Council, asserting that the legitimacy of the election

¹⁹ Karrubi is the first Director General of the MRM, but he resigned from this post after losing the 2005 presidential election because his candidacy was not fully supported by MRM-affiliates. After that, Karrubi established the National Trust Party.

²⁰ While losing candidates and their supporters criticized rigging of the vote count, the Guardian Council denied any electoral manipulation. A member of the Guardian Council stated that "It was a mistake by Mousavi's supporters. One of the members of Mousavi's election office declared their victory before the Guardian Council had announced an official result. When Mousavi's supporters claimed the victory, the vote count had not been finished. When completed, the result was a victory for Ahmadinejad. Due to the mistake by Mousavi's election office, the Guardian Council's announcement appeared to change the result" (Author's interview with a member of the Guardian Council on October 14, 2019, in Tehran).

²¹ On June 13, 2009, the day the election result was announced, more than 100 reformists were arrested. Protests took place at the University of Tehran, Amirkavir University, and Shahid Beheshti University, and large demonstrations across the country (Elson et al. 2012, 14, 17-18).

was violated in some constituencies by the incumbent Ahmadinejad.²² In response to these criticisms, the Guardian Council established a committee to investigate electoral fraud and to recount votes in some constituencies; however, they announced that the victory of Ahmadinejad was correct.

Because the Supreme Leader Khamenei himself accepted this electoral result announced by the Guardian Council,²³ rejection of Ahmadinejad's reelection and post-electoral protests were perceived to be equivalent to a criticism of the Supreme Leader. Indeed, "twitter users in Iran used anxiety words when writing about Khamenei more than about Ahmadinejad during major protests immediately following the election from 17 June to 20 June" (Elson et al. 2012, 39). Demonstrations were quickly repressed by security police and Musavi, Karrubi, and other reformist elites were punished for agitating riots (*fetneh*) against the regime. Two leaders have been placed under house arrest for more than ten years since the 2009 uprising.

The strategy for candidate screening in the 2012 parliamentary election began with restricting political parties' activities. In September 2010, the judiciary ordered dissolve of two major reformist parties, the IIPF and the MIRO, due to their support for "the 2009 riot." The Article 10 Committee in Parliament²⁴ deprived a license for political activities of them. Imposing limitations on the number of parties having legal status is an authoritarian government's usual device to prevent from taking part in elections (Hermet 1978, 4). Accordingly, members of the IIPF and the MIRO came to be easily removed from the electoral competition in 2012. Furthermore, incumbent deputies of the Article 90 Committee in Parliament,²⁵ who investigated the corruption of the Ahmadinejad administration, were rejected. They included Haji Mohammad Movahed, a deputy from Behbahan who had served as a parliamentarian for 16 years from the fifth to eighth Parliaments, and Mohammad Ebrahim Niknam, a deputy from Golpeygan and chairman of the Article 90 committee in the seventh and eighth Parliaments.²⁶

In sum, the post-electoral protests in 2009 made the Guardian Council fear the rise of an opposition that was popular among the majority of people, because losing candidates were able to mobilize mass demonstrations against electoral fraud, although the Supreme Leader had accepted the electoral outcome. The Guardian Council thoroughly excluded candidates who were involved in the protest and who opposed the Supreme Leader's decision, so as to prevent them from being elected or from gaining further popularity.

5. Conclusion

This paper has analyzed whether those who were targeted at by the Guardian Council's candidate screening in Iran's parliamentary elections have been consistent in the last 40 years. Unlike previous studies that focus on the reformist disqualifications based on case studies, the long-term analysis of this paper allows us to find variations in screening practices by the Guardian Council and the puzzling phenomenon that even those who were accepted

²² In his letter to Jannati, Mohtashamipour presented pieces of evidence about electoral manipulation. 1) Ahmadinejad denigrated the reputations of rival candidates, and; 2) The Ministry of the Interior did not print the correct number of ballots or simply wrote the name Ahmadinejad on ballots and cast them in ballot boxes." Since those who rigged the election did not leave any evidence, we-observers-have to note that this confession may be biased. Original letters used to be available on the website of the Guardian Council but they have been deleted.

²³ On June 19, 2009, Khamenei emphasized that the election was completely competitive among four candidates and that there was no fraud during election processes. *Khamenei.ir*, Khordad 29, 1388 [June 19, 2009] <http://farsi.khamenei.ir/newspart-index?id=7190&nt=2&year=1388&tid=1174#15867> (accessed June 10, 2020)

²⁴ In Iran, only political parties that are accepted by the Article 10 Committee can conduct political activities.

²⁵ The Article 90 Committee is charged with responding to complaints from the public. Article 90 of the constitution states: "Whoever has a complaint concerning the work of the Assembly or the executive power or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public." Translated by the Iranian embassy in London, 1992.

²⁶ *E'temād*, Bahman 24, 1390 [February 13, 2012].

came to be disqualified later on. Furthermore, this paper considered the reasons for this fluctuation of candidate screening by focusing on the interaction between the popular legitimacy crises of the Supreme Leader and the increase in targets of disqualification. The first critical event is the succession issue after the death of the founder of Iran's Islamic Republic in June 1989. In the fourth parliamentary election of 1992, the Guardian Council expanded the target of disqualification to those who were close to Montazeri, who used to be nominated as a successor; because, they did not fully accept Khamenei as a new leader. The second crisis is observed through the defeat of the Supreme Leader's ally in the 1997 presidential election against a reformist candidate for the first time since the establishment of the Islamic Republic. In response, reformist candidates were disqualified in the 2000 and 2004 parliamentary elections because it appeared that reformist elites may gain much more popularity than supporters of the Supreme Leader. The third crisis is the 2009 post-electoral protests against reelection of the incumbent president, despite the Supreme Leader's approval of the electoral outcome. In the ninth parliamentary election of 2012, those who were close to losing candidates in 2009 were excluded from the electoral competition and those who investigated incumbent presidents' fraud were also disqualified.

The main theoretical contributions of the above findings are two-fold. First, although this study adopts the informational effect of electoral fraud suggested by previous research, it distinguishes from existing theory taking into account the conditions in which the leadership is much more likely to rely on the informational effect of electoral manipulation. Iranian leadership has used the legal authority of vetting candidates particularly when its popular legitimacy declined and demonstrated that they are strong enough to control state institutions. Second, by focusing on candidate screening, this research suggests a new universe to analyze electoral manipulation under competitive authoritarian regimes. The case of Iran demonstrates a screening activity can be varied within one state or even under the same leadership. Although this paper focuses only on Iran, future research is expected to include more comprehensive cross-national case studies to consider how much the variety of excluding opponents before elections in Iran is different from and common to other cases.

Finally, it speaks to one noticeable exception of the interaction between legitimacy crises of the Supreme Leader and the increase of disqualification. In 2000, the Guardian Council approved some major reformist candidates and accepted their victory. Why did the Guardian Council allow reformists to run in the 2000 parliamentary election although the popularity of the Supreme Leader had apparently decreased after the 1997 presidential election? A reformist Iranian politician speculated that "This is because they [the Guardian Council] could not find an excuse (*bahāneh*) to disqualify reformists. Khatami's brother, for instance, was a medical doctor and they did not know his political activity."²⁷ However, this answer cannot account for the question of why the Guardian Council accepted some candidates whose credentials were denied in the past elections, such as Behzad Nabavi and Mohsen Armin. One possible solution would refine the type of legitimacy crises of the leadership by concerning questions, such as who did participate in protests, who did lead the protests, and what was a trigger event?

References

- Akhavi, Shahrough. "The Thought and Role of Ayatollah Hossein'ali Montazeri in the Politics of Post-1979 Iran." *Iranian Studies* 41 no. 5 (2008): 645-666.
- Alem, Yasmin. *Duality by Design: The Iranian Electoral System*. Washington D.C.: International Foundation for

²⁷ Author's interview with a former deputy Minister of the Interior Ministry during the Rafsanjani administration, on February 12, 2020, in Tehran.

Electoral Systems, 2011.

Bakhtiari, Bahman. "Parliamentary Elections in Iran." *Iranian Studies* 26 no. 3-4 (1993): 375-388.

———. *Parliamentary Politics in Revolutionary Iran: The Institutionalization of Factional Politics*. Gainesville: University of Florida Press, 1996.

Boroumand, Ladan and Roya Boroumand. "Is Iran Democratizing? Reform at an Impasse." *Journal of Democracy* 11 no. 4 (2000): 114-128.

Case, William. "Manipulative Skills: How Do Rulers Control the Electoral Arena." in *Electoral Authoritarianism: The Dynamics of Unfree Competition*, edited by Andreas Schedler, 95-112. London: Lynne Rienner, 2006.

Chehabi, Houchang. "The Political Regime of the Islamic Republic of Iran in Comparative Perspective." *Government and Opposition* 36 no. 1 (2001): 48-70

Elson, Sara et al. *Using Social Media to Gauge Iranian Public Opinion and Mood after the 2009 Election*. Santa Monica: The RAND Corporation, 2012.

Fatāhī Zafarqandī, 'Alī. *Showrā-ye Negahbān: Nezārat bar Entekhābāt*. Tehrān: Pazhūheshkadeh-ye Shourā-ye Negahbān, 1397.

Hermet, Guy. "Stete-Controlled Elections: A Framework" in *Elections without Choiece*, edited by Guy Hermet, Richard Rose, and Alain Rouquie, 1-18. London: The Macmillan Press, 1978.

Jahān-Mohammadi, Rezā. *Majles Shourā-ye Eslāmī Doure-ye Sevvom*. Tehrān : Markaz-e Asnād-e Enqerāb-e Eslāmī, 1389.

Levitsky, Steven and Lucan Way. *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. Cambridge: Cambridge University Press, 2010.

Monga, Celestin. "Eight Problems with African Politics." *Journal of Democracy* 8 no. 3 (1997): 156-169.

Ramazani, Rouhollah. "Constitution of the Islamic Republic of Iran." *Middle East Journal* 34 no. 2 (1980): 181-204.

Randjbar-Daemi, Siavush. *The Quest for Authority in Iran: A History of the Presidency from Revolution to Rouhani*. London: I.B. Tauris, 2018.

Roy, Oliver. "Crisis of Religious Legitimacy in Iran." *Middle East Journal* 53 no. 2 (1999): 201-216.

Sajādipūr, Hādī. *Majles Shourā-ye Eslāmī Doure-ye Sevvom*. Tehrān: Markaz-e Asnād-e Enqerāb-e Eslāmī, 1388.

Samii, William. "Iran's Guardian Council as an Obstacle to Democracy." *The Middle East Journal* 55 no. 4 (2001): 643-662.

Sanandaji, Kaveh-Cyrus. "The Eighth Majles Elections in the Islamic Republic of Iran: A Division in Conservative Ranks and the Politics of Moderation." *Iranian Studies* 42 no. 4 (2009): 621-648.

Sarabi, Farzin. "The Post-Khomeini Era in Iran: The Elections of the Fourth Islamic Majlis." *The Middle East Journal* 48 no.1 (1994): 89-107.

Schedler, Andreas. *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism*. Oxford: Oxford University Press, 2013.

Simpser, Alberto. *Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications*. Cambridge: Cambridge University Press, 2013.

Tezcur, Gunes. "Intra-Elite Struggles in Iranian Elections." in *Political Participation in the Middle East*, edited by Ellen Lust-Okar and Saloua Zerhouni, 51-74. Boulder: Lynne Rienner, 2008.

Periodicals

‘Asr-e mā

Bayān

Entekhābāt

E’ttelā‘āt

E’temād

E’temād-e Mellī

Hayāt-e Nou

Jomhūrī-ye Eslāmī

Keyhān

Salām

Appendix Figure 1: Structure of candidate screening in Iran’s Parliamentary election

